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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/630,267	07/30/2003	Horst Schmidt	67028-014	8706	
26096	7590	02/01/2006	EXAMINER		
CARLSON, GASKEY & OLDS, P.C.				HUSON, MONICA ANNE	
400 WEST MAPLE ROAD				ART UNIT	
SUITE 350				PAPER NUMBER	
BIRMINGHAM, MI 48009				1732	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/630,267	SCHMIDT, HORST	
	Examiner Monica A. Huson	Art Unit 1732	
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
THE REPLY FILED 16 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
<p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> will not be entered, or b) <input checked="" type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: <u>33,34 and 37</u>.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: <u>19-22,24,25,30-32,35 and 36</u>.</p> <p>Claim(s) withdrawn from consideration: _____.</p>			
<p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
<p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because:</p> <p><u>See Continuation Sheet.</u></p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____</p>			
<p>13. <input type="checkbox"/> Other: _____.</p>			

Continuation of 11. does NOT place the application in condition for allowance because: Although applicant contends that the cited prior art does not suggest the rejected claims, the examiner maintains her rejection

Applicant contends that Kamagai does not show the instant invention because his springs are not utilized for displacing material to compensate for changes in volume. This is not persuasive because Kamagai was not cited to teach that limitation. Machida shows using a biasing force to displace material to compensate for changes in volume in a mold cavity. Kamagai was only cited to teach using springs to exert a biasing force. With regard to applicant's argument that there would be no benefit to the combination of Kamagai's biasing springs with the biasing step of Machida, the examiner maintains that the benefit of the combination would be the avoidance of the need for complicated hydraulic biasing equipment.

Applicant contends that Suzuki does not show determining an amount of material that should be received within a passage based on a relationship between material shrinkage and injection pressures. The examiner pointed applicant to a specific passage of Suzuki which discusses this limitation, and it is pasted here for applicant's convenience: "the amount of the squeezing displacement of molten metal in excess of the predetermined amount V1 is spent to compensate for the solidification shrinkage of the metal in the runner...when the squeezing pressure of the squeeze plunger is so selected as not to cause a forcible backward movement of the injection plunger tip, the molten metal displaced by the squeeze plunger is all consumed to make up for the solidification shrinkage of the metal in the...runner." Suzuki clearly teaches a relationship between injection (i.e. squeezing) pressure and material shrinkage in the runner, and determining how much material should be injected based on the relationship.

Applicant's discussion of claim 36 appears to be an error, as claim 36 does not require "the steps of determining a volume of material required to compensate for material shrinkage according to a relationship between material shrinkage and injection pressure utilized to introduce molten plastic into the cavity. If applicant is referring to the idea that claim 36 is dependent upon claim 35 and therefore includes the limitations of claim 35, the examiner directs applicant to the previous paragraph for her response to applicant's argument. Otherwise, the examiner maintains that her rejection of Claim 36 is proper.

Michael Colaianni
1/27/06


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